

**10-O-0397 AN ORDINANCE BY COUNCILMEMBER H. LAMAR WILLIS AS SUBSTITUTED BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE AMENDING SECTION 162-227 AND SECTION 162-232 OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO ESTABLISH FEES FOR THE ADMINISTRATIVE COSTS ASSOCIATED WITH NONCONSENSUAL MOTOR VEHICLE TOWING; AND FOR OTHER PURPOSES.**

**Review List:**

Public Safety & Legal Administration Committee	Completed	05/03/2013 6:17 PM
Public Safety & Legal Administration Committee	Completed	05/17/2013 5:16 PM
Atlanta City Council	Completed	05/17/2013 1:37 PM
Atlanta City Council	Pending	
Public Safety & Legal Administration Committee	Pending	
Public Safety & Legal Administration Committee	Pending	

**HISTORY:**

04/30/13      Public Safety & Legal Administration Committee      **HELD IN COMMITTEE**

<b>RESULT:</b>	<b>HELD IN COMMITTEE [UNANIMOUS]</b>	<b>Next: 5/14/2013 3:00 PM</b>
<b>AYES:</b>	Bottoms, Bond, Martin, Hall, Willis, Winslow, Young Jr.	

05/06/13      Atlanta City Council

05/14/13      Public Safety & Legal Administration Committee      **HELD IN COMMITTEE**

<b>RESULT:</b>	<b>HELD IN COMMITTEE [4 TO 0]</b>	<b>Next: 5/20/2013 1:00 PM</b>
<b>AYES:</b>	Keisha Lance Bottoms, Michael Julian Bond, Clarence "C. T." Martin, Ivory Lee Young Jr.	
<b>AWAY:</b>	Kwanza Hall, H. Lamar Willis, Clela Winslow	

Certified by Presiding Officer	Certified by Clerk
<b>Mayor's Action</b> <i>See Authentication Page Attachment</i>	

**CITY COUNCIL  
ATLANTA, GEORGIA  
SPONSOR SIGNATURES**

A handwritten signature in black ink, appearing to read "H.L. Willis", written over a horizontal line.

H. Lamar Willis, Councilmember, Position 3 -at-Large

**ORDINANCE****BY COUNCILMEMBER(S) WILLIS****PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

**10-O-0397 AN ORDINANCE BY COUNCILMEMBER H. LAMAR WILLIS AS SUBSTITUTED BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE AMENDING SECTION 162-227 AND SECTION 162-232 OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO ESTABLISH FEES FOR THE ADMINISTRATIVE COSTS ASSOCIATED WITH NONCONSENSUAL MOTOR VEHICLE TOWING; AND FOR OTHER PURPOSES.**

AS SUBSTITUTED BY PUBLIC SAFETY AND LEGAL  
ADMINISTRATION COMMITTEE

AN ORDINANCE AMENDING SECTION 162-227 AND SECTION 162-232

OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO ESTABLISH FEES FOR THE ADMINISTRATIVE COSTS ASSOCIATE WITH NONCONSENSUAL MOTOR VEHICLE TOWING; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has an interest in maintaining the health, safety and welfare of the citizens of the City of Atlanta and its visitors; and

WHEREAS, the Atlanta City Code does not provide for electronic notification for vehicular impounds; and

WHEREAS, Georgia Public Service Commission regulations allow for the collection of a fee by municipalities for provision of such electronic notification.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

Section 1: That Section 162-227 (a) of the City of Atlanta Code of Ordinances which reads as follows:

Sec. 162-227. Fees charged for nonconsensual motor vehicle towing.

(a) Any towing of storage firm engaged in the business of providing nonconsensual motor vehicle towing services shall not charge the owner or operator of any towed motor vehicle a towing and/or storage fee in excess of the maximum amount allowed by the State of Georgia, pursuant to O.C.G.A. Section

44-1-13, Georgia Public Service Commission Transportation Rule 11-1 of

\$125.00, and as it may be changed from time to time; however, no storage fees shall be charged for the first 24-hour period from the time the motor vehicle is removed from the property.

The fee for towing and/or storage shall be all inclusive; no additional fees may be charge for using dollies, trailers, lifts, slim jims or any other equipment or service.

Be amended to add the *italicized* language so as to read:

Sec. 162-227. Fees charged for nonconsensual motor vehicle towing.

(a) Any towing of storage firm engaged in the business of providing nonconsensual motor vehicle towing services shall not charge the owner or operator of any towed motor vehicle a towing and/or storage fee in excess of the maximum amount allowed by the State of Georgia, pursuant to O.C.G.A. Section

44-1-13, Georgia Public Service Commission Transportation Rule 11-1 of

\$125.00, and as it may be changed from time to time; however, no storage fees shall be charged for the first 24-hour period from the time the motor vehicle is removed from the property.

The fee for towing and/or storage shall be all inclusive; no additional fees may be charge for using dollies, trailers, lifts, slim jims or any other equipment or service. *An administrative fee of \$10.00 shall be collected as allowed by the Georgia Public Service Commission's maximum tariff related to Notification and an administrative fee of \$20.00 shall be collected as part of the towing fee, so long as the towing and administrative fee shall be \$125.00 and as it may be changed from time to time.*

SECTION 2: That Section 162-232 of the City of Atlanta Code of Ordinances which currently reads as follows:

Sec. 162-232. Notification upon removal of vehicle at request of other than police officer.

The operator of any wrecker removing a private motor vehicle at the request of any person other than a police officer on duty for the department of police shall report by electronic notification to the department the fact that the vehicle was removed and its present storage place, together with a description of the vehicle, the vehicle identification number and the tag number. The report shall be made by the wrecker operator by electronic communication within one hour of the deposit of the vehicle at its storage point.

Be deleted in its entirety and replaced with the following: Sec. 162-232. Notification upon removal of vehicle.

The operator of any wrecker removing a private motor vehicle at the request of a police officer on duty for the department of police or any other person shall report by electronic notification to the department the fact that the vehicle was removed and its present storage place, together with a description of the vehicle, the vehicle identification number and the tag number. The report shall be made by the wrecker operator by electronic notification via and Internet based repository

within one hour of the deposit of the vehicle at its storage point. Transmission by facsimile or telecopier does not constitute electronic notification.

SECTION 3: All ordinances and parts of ordinances in conflict herewith are hereby waived for purposes of this ordinance only, and only to the extent of the conflict

10-0-0397

AN ORDINANCE BY: COUNCILMEMBER H. LAMAR WILLIS

AS AMENDED BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

AN ORDINANCE AMENDING SECTION 162-227 AND SECTION 162-232 OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO ESTABLISH FEES FOR THE ADMINISTRATIVE COSTS ASSOCIATED WITH NONCONSENSUAL MOTOR VEHICLE TOWING; AND FOR OTHER PURPOSES.

WHEREAS, The Atlanta City Code does not provide for electronic notification for vehicular impounds; and

WHEREAS, Georgia Public Service Commission regulations allow for the collection of a fee by municipalities for provision of such electronic notification.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

SECTION 1: That Section 162-227 (a) of the City of Atlanta Code of Ordinances which reads as follows:

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(a) Any towing or storage firm engaged in the business of providing nonconsensual motor vehicle towing services shall not charge the owner or operator of any towed motor vehicle a towing and/or storage fee in excess of the maximum amount allowed by the State of Georgia, pursuant to O.C.G.A. Section 44-1-13, Georgia Public Service Commission Transportation Rule 11-1 of \$125.00, and as it may be changed from time to time; however, no storage fees shall be charged for the first 24-hour period from the time the motor vehicle is removed from the property. The fee for towing and/or storage shall be all inclusive; no additional fees may be charged for using

dollies, trailers, lifts, slim jims or any other equipment or service.

Be amended to add the *italicized* language so as to read:

Sec. 162-227. Fees charged for nonconsensual motor vehicle towing.

(a) Any towing or storage firm engaged in the business of providing nonconsensual motor vehicle towing services shall not charge the owner or operator of any towed motor vehicle a towing and/or storage fee in excess of the maximum amount allowed by the State of Georgia, pursuant to O.C.G.A. Section 44-1 13, Georgia Public Service Commission Transportation Rule 11-1 of \$125.00, and as it may be changed from time to time; however, no storage fees shall be charged for the first 24-hour period from the time the motor vehicle is removed from the property. The fee for towing and/or storage shall be all inclusive; no additional fees may be charged for using dollies, trailers, lifts, slim jims or any other equipment or service. *An administrative fee of \$10.00 shall be collected as allowed by the Georgia Public Service Commission's maximum tariff related to Notification of which \$5.00 shall be remitted to the electronic repository, as described and required by Section 162-232, to recover the cost for electronic notification service for private property impounds. An administrative fee of \$20.00 shall be collected as part of the towing fee of which \$10.00 shall be remitted to the electronic repository, as described and required by Section 162-232, to recover the cost for the electronic notification service for law enforcement authorized tows, so long as the towing and administrative fee shall be \$125.00 and as it may be changed from time to time.*

SECTION 2: That Section 162-232 of the City of Atlanta Code of Ordinances which currently reads as follows:

Sec. 162-232. Notification upon removal of vehicle at request of other than police officer.

The operator of any wrecker removing a private motor vehicle at the request of any person other than a police officer on duty for the department of police shall report by electronic notification to the department the fact that the vehicle was removed and its present storage place, together with a description of the vehicle, the vehicle identification number and the tag number. The report shall be made by the wrecker operator by electronic communication within one hour of the deposit of the vehicle at its storage point.

Be deleted in its entirety and replaced with the following: Sec. 162-232. Notification upon removal of vehicle

The operator of any wrecker removing a private motor vehicle at the request of a police officer on duty for the department of police or any other person shall report by electronic notification to the department the fact that the vehicle was removed and its present storage place, together with a description of the vehicle, the vehicle identification number and the tag number. The report shall be made by the wrecker operator by electronic notification via an Internet-based centralized and multi jurisdictional electronic repository within one hour of the deposit of the vehicle at its storage

point. Transmission by facsimile or telecopier does not constitute electronic notification.

SECTION 3: All ordinances and parts of ordinances in conflict herewith are hereby waived for purposes of this ordinance only, and only to the extent of the conflict.



AR WILLIS

AN ORDINANCE AMENDING SECTION 162-227 AND SECTION 162-232 OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO ESTABLISH FEES FOR THE ADMINISTRATIVE COSTS ASSOCIATED WITH NONCONSENSUAL MOTOR VEHICLE TOWING; AND FOR OTHER PURPOSES.

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as follows:

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Sec.162-227. Fees charged for nonconsensual motor vehicle towing.

(a) Any towing or storage firm engaged in the business of providing nonconsensual motor vehicle towing services shall not charge the owner or operator of any towed motor vehicle a towing and/or storage fee in excess of the maximum amount allowed by the State of Georgia, pursuant to O.C.G.A. Section 44-1-13, Georgia Public Service Commission Transportation Rule 11-1 of \$125.00, and as it may be changed from time to time; however, no storage fees shall

be charged for the first 24-hour period from the time the motor vehicle is removed from the property. The fee for towing and/or storage shall be all inclusive; no additional fees may be charged for using dollies, trailers, lifts, slim jims or any other equipment or service.

Be amended to add the *italicized* language so as to read:

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SECTION 2: That Section 162-232 of the City of Atlanta Code of Ordinances which currently reads as follows:

Sec. 162-232. officer.

Notification upon removal of vehicle at request of other than police

The operator of any wrecker removing a private motor vehicle at the request of any person other than a police officer on duty for the department of police shall report by electronic notification to the department the fact that the vehicle was removed and its present storage place, together with a description of the vehicle, the vehicle identification number and the tag number. The report shall be made by the wrecker operator by electronic communication within one hour of the deposit of the vehicle at its storage point.

Be deleted in its entirety and replaced with the following: Sec. 162-232. Notification upon removal of vehicle

The operator of any wrecker removing a private motor vehicle at the request of a police officer



on duty for the department of police or any other person shall report by electronic notification to the department the fact that the vehicle was removed and its present storage place, together with a description of the vehicle, the vehicle identification number and the tag number. The report shall be made by the wrecker operator by electronic notification via an Internet-based centralized and multi-jurisdictional electronic repository within one hour of the deposit of the vehicle at its storage point. Transmission by facsimile or telecopier does not constitute electronic notification.

SECTION 3: All ordinances and parts of ordinances in conflict herewith are hereby waived for purposes of this ordinance only, and only to the extent of the conflict.